



## **Family Safety Plans and the Covid-19 Pandemic (April 6, 2020)**

This document regarding Family Safety Plans is intended be a guide to helping parents and caregivers make plans for children in the events the parents or caregivers are unable to care for the children during the pandemic. These document is not legal advice, and if you need legal advice, you should consult an attorney.

### **Make a Family Plan in the event of illness.**

Talk to your spouse or partner, your children, and other family members involved in your children's lives. If you and/or the child's other parent are both severely ill and are unable to care for the children, decide who the children will stay with and who will make decision for the children. If your children are old enough, involve them in the conversation. Make sure you review your plan with your back-up caregiver, and that they agree to be the back-up caregiver.

### **Consider a Parental Power of Attorney or a Standby Guardianship.**

A Parental Power of Attorney is a document you can sign to provide for care of your children in the event you are unable to do so. It names another person—your back-up caregiver—as an attorney-in-fact for your children. This document gives them the ability to handle all medical, dental, and other health related matters. This includes consenting to medical treatment and ability to receive records. This also gives them the ability to handle education and school related matters, and all matters related to Medicaid, Hoosier Healthwise, or any other health insurance, SNAP Benefits, Social Security and Supplemental Security Income benefits, and all other benefits for the children. Generally, the person you designate has the ability to take any and all actions necessary for the care and benefit of your children.

The Parental Power of Attorney does not end your parental rights, and it is not a guardianship. It is only valid for twelve (12) months from the date you sign it, and if you want it to last longer, you will need to sign a new Parental Power of Attorney when it comes close to expiring. A Parental Power of Attorney can be immediately effective, or it can become effective upon a triggering event, such as your hospitalization due to the Covid-19 pandemic. You may revoke a Parental Power of Attorney at any time, but you must do so in writing.

You may also want to consider a Standby Guardianship. Standby Guardians have all the powers given to a guardian under Indiana Code 29-3-3-7. This includes the ability to handle all medical, dental, and other health related matters, including consenting to medical treatment. This also gives the Standby Guardian the ability to handle education and school related matters, and all matters related to Medicaid, Hoosier Healthwise, or any other health insurance, SNAP Benefits, Social Security and Supplemental Security Income benefits, and all other benefits for the

children. Generally, the person you designate has the ability to take any and all actions necessary for the care and benefit of your children.

Standby Guardianships have the added benefit of being a document that must be considered by the Department of Child Services, a probation department, or a juvenile court for purposes of determining the placement of a child who is the subject of an allegation of child abuse or neglect, an open child in need of services cases, or an open delinquency case.

A Standby Guardianship only lasts for ninety (90) days before automatically ending. The Standby Guardianship can extend past the ninety (90) days if the Standby Guardian files a petition for permanent guardianship of your children. You can revoke a Standby Guardianship at any time, but it must be done in writing.

### **Have Information Ready.**

Make sure you have the information of your back-up caregiver easily available and easily located, and if your children are old enough, that they know how to reach the back-up caregiver. This information should include their full name, their address, their email address, and all their telephone numbers. If your children are old enough, make sure they have access to this information as well.

You should also have information about your children ready for whoever you designate as their back-up caregiver. Make sure their backup caregiver knows their full legal names, dates of birth, and the contacts information for your children, including address and telephone numbers.

Other information that would be helpful for any back-up caregiver includes:

- Allergies
- Special Needs and Diagnosis
- Medications and Pharmacy
- Doctor Contact Information
- Special Medical Needs or Concerns
- School Name
- Teacher Name
- Where to access any online schooling
- Schedule for your children
- Likes and dislikes for your children
- Any special items your children must have or to which they are very attached